

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

**ORIGINAL**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

Docket No.:  
08 CR 076 (NGG)

5 versus

6 NICHOLAS CALVO,

U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

7 Defendant.

February 12, 2008  
10:00 a.m.

8  
9 Transcript of Criminal Cause for Bail Appeal

10 Before: HONORABLE NICHOLAS G. GARAUFIS,  
11 District Court Judge

12 APPEARANCES

13 For the Government: BENTON J. CAMPBELL, ESQ.  
United States Attorney  
Eastern District of New York  
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Brooklyn, New York 11201  
15 BY: ROGER BURLINGAME, ESQ.,  
Assistant U.S. Attorney

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18 BY: PATRICK T. BURKE, ESQ.

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25 Proceedings recorded by mechanical stenography. Transcript  
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United States District Court, Eastern District of New York

Proceedings

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1 (In open court.)

2 (Defendant present.)

3 THE CLERK: United States versus Calvo.

4 MS. DANIEL: Good morning, your Honor.

5 MR. BURLINGAME: Good morning, your Honor.

6 THE COURT: Good morning.

7 MR. BURLINGAME: Roger Burlingame for the United  
8 States.

9 MR. BURKE: Your Honor, my name is Patrick Burke, and  
10 I have been asked to represent Mr. Calvo, in substitution for  
11 Ms. Daniel, who has done a wonderful job up until now. Since  
12 Ms. Daniel has handled the bail application up until now, it  
13 would really be beneficial to us all for her to be here.

14 THE COURT: That's fine. That's not a problem.

15 MR. BURKE: Thank you, your Honor.

16 This is Emily Daniel, your Honor, for the record.

17 THE COURT: Really? You are Ms. Daniel?

18 MS. DANIEL: Yes.

19 THE COURT: Why don't you state your appearance,  
20 Ms. Daniel. I'm surprised that's you.

21 MS. DANIEL: I haven't seen you in a while.

22 THE COURT: I haven't seen Ms. Daniel in a while.

23 MS. DANIEL: Emily Daniel for the defendant, your  
24 Honor.

25 THE COURT: You are Mr. Calvo?

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1 THE DEFENDANT: Yes.

2 THE COURT: Good morning.

3 THE DEFENDANT: Good morning.

4 THE COURT: This is an appeal by the government?

5 MR. BURLINGAME: Yes.

6 THE COURT: First, let me tell you that I have read  
7 the transcript before Judge Bloom. So I have some sense of  
8 what's at issue here. I know the defendant is charged in ten  
9 substantive counts but not in the racketeering conspiracy  
10 count.

11 MR. BURLINGAME: That's correct, Judge.

12 THE COURT: Okay. So we understand, and I know the  
13 charges, I have read the indictment.

14 So we are ready to go?

15 MR. BURLINGAME: That's correct.

16 THE COURT: All right.

17 MR. BURLINGAME: Judge, the government's position is  
18 very simple. We are not seeking detention, a permanent order  
19 against the defendant. We just want a bail package that we  
20 feel reflects the seriousness of the charges against the  
21 defendant and the risk of flight that he poses.

22 We feel that the package that Judge Bloom appropriated  
23 yesterday, especially with sort of unnamed suretors, is  
24 unreasonable. Even if there were good suretors to appear, that  
25 a \$300,000 bond secured by \$30,000 in cash for a man who makes

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## Proceedings

1 \$100,000 a year and received personally \$110,000 in extortion  
2 payments over a two-year period is, you know, if he chose to  
3 flee, which he is facing a couple of substantive counts which  
4 carry 20-year maximum penalties, it's a matter of saying it's a  
5 wash-out to the suretors to make them whole.

6 And I don't -- I feel like he should have a greater --  
7 there could be more moral persuasion placed on him to make sure  
8 that he is not going to flee.

9 THE COURT: Okay.

10 MS. DANIEL: May I respond, your Honor?

11 THE COURT: Yes.

12 MS. DANIEL: First, your Honor, this is an appeal by  
13 the government, and I believe that this appeal, whether it was  
14 to this court or to the Second Circuit, basically should be  
15 addressed on an abuse of discretion standard, which is the  
16 typical standard for appeal. So whether or not this Court  
17 finds Magistrate Bloom's decision absolutely perfect or might  
18 disagree, the question is whether or not she abused her  
19 discretion. And I would say she clearly did not.

20 THE COURT: You agree she abused the standard?

21 MR. BURLINGAME: It's not -- it's de novo. I have  
22 just read a dozen cases about --

23 THE COURT: A dozen?

24 MR. BURLINGAME: -- all the detention hearings for the  
25 Cirillo case, the Gotti case, the Salerno; are all appeals held

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1 before the magistrate judge, and the district court reviews  
2 under a de novo standard, and the Second Circuit reviews under  
3 abuse of discretion.

4 THE COURT: Who does, the Second Circuit?

5 MR. BURLINGAME: Yes.

6 MS. DANIEL: Your Honor, I think that's a technical  
7 distinction whether the Second Circuit or this Court. In my  
8 opinion, the standard should be the abuse of discretion  
9 standard.

10 In any case, I will get to the merits of bail  
11 detention. There is still a bond of \$300,000. These are  
12 gainfully employed --

13 THE COURT: This defendant does not own his own home?

14 MS. DANIEL: Excuse me, your Honor?

15 THE COURT: He doesn't own his own home?

16 MS. DANIEL: He owns his own home, but he has no  
17 equity in it. It's actually in his wife's name, but she is  
18 divorcing him. I have spoken to her, and it is absolutely  
19 clear she is not assisting him in any way, shape, or form, in  
20 addition to which the house is in her name. There is virtually  
21 nothing that I can do.

22 THE COURT: He has no savings account?

23 THE DEFENDANT: No.

24 THE COURT: And he has no equity of any kind of his  
25 own accord?

## Proceedings

1 MS. DANIEL: I believe that the house even has -- has  
2 next to no equity, but it's not in his name.

3 THE COURT: No. But I mean, does he have a savings  
4 account? Does he own shares of stock?

5 THE DEFENDANT: No.

6 THE COURT: He is the salesman for a construction  
7 company?

8 MS. DANIEL: Your Honor, I'm glad you mentioned that.  
9 The name of the company is Nacirema.

10 In yesterday's paper and in my discussions, they have  
11 been told by the Business Integrity Commission to cut their  
12 ties with Mr. Calvo because of this indictment. The government  
13 was also questioning Mr. Calvo about Nacirema. They, at this  
14 point, could not even help if they wanted to. It's a total  
15 conflict of interest with him.

16 THE COURT: Who has?

17 MS. DANIEL: They have been told by the Business  
18 Integrity Commission -- it's a city agency -- that they are not  
19 allowed to deal with Mr. Calvo at this point. So they  
20 initially wanted to put up some cash.

21 THE COURT: I see. You mean they don't have to await  
22 any kind of judicial decision as to Mr. Calvo's behavior, they  
23 just go out and do whatever they want, is that it?

24 MS. DANIEL: No. They have been told that they cannot  
25 employ him.

## Proceedings

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1 THE COURT: Told by whom?

2 MS. DANIEL: The Business Integrity Commission, which  
3 is a city --

4 THE COURT: Who is that?

5 THE DEFENDANT: Your Honor --

6 THE COURT: No. I don't want you to say anything.

7 What's the Business Integrity Commission? Are they my  
8 partner here?

9 MS. DANIEL: No.

10 THE COURT: Well, I don't really care about the  
11 Business Integrity Commission because I'm a federal judge, and  
12 the Senate didn't make them the judge. I don't care about what  
13 they want to do. It's only about what the Court wants to do.

14 I know I'm not arguing the point with you. It's not a  
15 disagreement. It's just I can't take into account what some  
16 agency of the City of New York wants to do.

17 I once worked for the City. It doesn't -- I mean,  
18 there are people all over the place making decisions in  
19 New York City, some of which I agree with and some of which I  
20 don't. But I can't rely in any way, shape, or form on what  
21 they do.

22 Are you telling me he is no longer employed by this  
23 company? Is that what you are telling me?

24 MS. DANIEL: That's what I have been told by Nacirema.

25 THE COURT: That's the point. Tell me that -- I don't

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1 want to know if he is no longer employed. I just want to know  
2 if he is employed.

3 MS. DANIEL: They told me they have to terminate his  
4 employment because of what this agency told them. They are  
5 very nervous. He was also questioned by them, and they are  
6 incredibly nervous.

7 Initially, they said they would put up an amount for  
8 the case and yesterday they said, because of the contacts they  
9 have had with these agencies, they will not put up anything.

10 THE COURT: I will tell you something about how I view  
11 parties contacting employers in connection with matters which  
12 are properly before the Court, and I have said this before. I  
13 don't think that any agency of any government should be  
14 contacting any company to say whether or not that entity or any  
15 individual -- to say whether or not that entity should or  
16 should not be supporting someone who is accused of a crime.  
17 That's interfering with the process in this courthouse.

18 MS. DANIEL: I agree with you, your Honor.

19 THE COURT: I'm just telling you that's my view of it.

20 MS. DANIEL: I agree with you, as well.

21 THE COURT: I'm putting it on the record, because if  
22 I'm going to have 62 defendants and then have companies being  
23 told by some agency of the city government you can't support  
24 this person or you can't give this person a loan because your  
25 business may be affected by it, then that's interfering with



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1 the litigation.

2 So this Business Integrity Commission better keep its  
3 hands off my case.

4 MS. DANIEL: I agree with you.

5 THE COURT: You better tell them.

6 MR. BURLINGAME: I will, Judge.

7 THE COURT: Or they will be in here answering to me.

8 MR. BURKE: Your Honor, we are going to order the  
9 minutes, please.

10 THE COURT: Business Integrity Commission, who are  
11 they?

12 MS. DANIEL: I agree with you entirely, your Honor,  
13 and you know it was in yesterday's Daily News and it's made --

14 THE COURT: I don't care for The Daily News, either.

15 MS. DANIEL: It's made this company very nervous, and  
16 it's prohibiting them from putting anything up.

17 THE COURT: I understand your point.

18 My point is if there is going to be interference by  
19 third parties in the process of defendants obtaining security,  
20 all right, then they are interfering with the activities of the  
21 Court. That's my view of it. I have said this.

22 I said this in the Bronson case. There is ample  
23 evidence of my views of this. If you look back at the bail  
24 proceedings in the Larry Bronson case, U.S. v. Bronson, where  
25 it appeared to the Court that there may have been some

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1 interference on the part of a third party in obtaining security  
2 for Mr. Bronson's bond, I'm consistent about this. It concerns  
3 me that third parties are somehow engaged in interfering --  
4 allegedly or potentially interfering in what the Court is  
5 doing.

6 Now, I don't know what this defendant's relationship  
7 is with the company he works for. But if a third party is  
8 telling the company he works for to fire him because of an  
9 indictment, that undermines the presumption of innocence right  
10 there.

11 MS. DANIEL: Absolutely.

12 THE COURT: It's like there is some -- there is a  
13 penalty to be paid for being indicted for a crime when you  
14 haven't been convicted of a crime. I don't know what country  
15 they are from.

16 MS. DANIEL: I agree, your Honor. And if this  
17 defendant is out --

18 THE COURT: I'm going to have him in here to tell me  
19 why.

20 MS. DANIEL: -- obviously we would like to have him  
21 working. So it's interfering with him in this manner.

22 THE COURT: I'm going to subpoena them for them to  
23 explain to me why they are interfering with my case.

24 MS. DANIEL: I could not agree with you more.

25 THE COURT: That's not the point. The issue here is

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1 Mr. Burlingame has an appeal from Judge Bloom's decision, and  
2 now I'm asking you what kind of security -- now that I have  
3 said what I said about that kind of interference, what kind of  
4 security are you proposing to provide on the 300,000?

5 You don't disagree with the \$300,000 figure, do you,  
6 or do you?

7 MR. BURLINGAME: I do, Judge.

8 What we were originally seeking and what we tried to  
9 establish was some uniformity across all the defendants in this  
10 case. And what we have been seeking for the defendants who we  
11 judge to be sort of a similar level of, you know, exposure and  
12 seriousness of the charges, was something in the neighborhood  
13 of \$700,000 for total of the bond, supported by around \$300,000  
14 in equity.

15 And, you know, just to restate, the charges here are  
16 serious, and the defendant is a known associate of the Genovese  
17 family. He has ties to the underboss of the family. He is on  
18 recorded conversations saying that he has a weekly meeting with  
19 the acting underboss of the Genovese family.

20 This is a serious guy we are dealing with. He has the  
21 means to flee. He is facing serious charges, and I feel bad  
22 that his lawyers are telling me that his life appears to not be  
23 going well; but it seems to me that creates a further incentive  
24 for him to flee, if he is going to be losing his job and losing  
25 his marriage.

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1 THE COURT: How long has he been in negotiation to  
2 terminate his marriage? It may have predated the date of this  
3 indictment.

4 MS. DANIEL: Well, it certainly predated the date of  
5 his arrest. It's several months now, right? Don't speak.

6 THE DEFENDANT: Yeah.

7 MS. DANIEL: I believe she told him she was going to  
8 leave in October or November.

9 THE COURT: How long has he been married?

10 MS. DANIEL: Nine years.

11 THE COURT: How long has he lived in the New York  
12 area?

13 MS. DANIEL: The New York/New Jersey area, his entire  
14 life.

15 THE COURT: He was born in Queens?

16 MS. DANIEL: Yes. His entire life, I think. He would  
17 be in far worse condition by fleeing than by staying and facing  
18 the charges. I won't go through again how I broke down the  
19 charges. I believe it's on the record.

20 THE COURT: I have it.

21 MS. DANIEL: There are many counts, but it relates to  
22 three discrete instances. We did propose \$30,000 cash.

23 THE COURT: Where is this \$30,000 cash?

24 MS. DANIEL: It's coming from a friend of his. I  
25 believe it's his town supervisor's girlfriend who would be one

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1 of the sureties. She has an \$80,000-a-year job. She has been  
2 employed, living in New Jersey for several years. We have two  
3 other gainfully employed sureties, subject to the government's  
4 approval.

5 THE COURT: How much do they make?

6 MS. DANIEL: One of them, Ms. English, who is putting  
7 up the money, makes \$80,000. The other surety makes \$100,000 a  
8 year.

9 THE COURT: What does the other do?

10 MS. DANIEL: He is a salesman for a linen company  
11 called Unitex; and I haven't gotten the name of the third  
12 surety yet because -- I haven't gotten it as of yesterday.

13 The judge did order a third surety. I would have to  
14 call the judge back and get the name of this third surety and  
15 the cash. So that's what the judge ordered, and that's what we  
16 were going to satisfy.

17 I know these people were gainfully employed. They  
18 would be liable for a \$300,000 bond, regardless.

19 MR. BURLINGAME: Judge, the government's position is  
20 simply that I think it's significant that the defendant has  
21 been in the community his entire life, and that there is no one  
22 who is willing to step forward and say, I agree that this guy  
23 is going to, you know, I'm going to put my house on the line  
24 that this guy is going to live up to the terms of his bond.  
25 He's got a brother who owns property in the area.

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1 THE COURT: Where is his brother?

2 MS. DANIEL: His brother has a co-op in Queens with  
3 almost no equity.

4 THE COURT: What does his brother do?

5 MS. DANIEL: He's a salesman for a flower company.

6 This case has been designated -- will be designated,  
7 I'm sure, a complex case, even for the defendants who are  
8 facing one or two years. So this case is going to last for  
9 several years.

10 So to say to someone that you have to put your home  
11 up, you can't sell it, you can't do anything, to say that, that  
12 means no one is willing to step forward for him, I think, is a  
13 little disingenuous. It's a lot to ask for anyone. Their  
14 house will be encumbered for that period of time.

15 This case is undoubtedly going to last a very long  
16 time. Signing a bond is still a significant undertaking for  
17 any surety, to be liable for several hundred thousand dollars.

18 MR. BURLINGAME: The amount of cash involved here for  
19 a guy who makes \$100,000 a year and is extorting people to the  
20 tune of \$50,000 a year is not that much cash.

21 I don't know the amount of moral -- if we want to talk  
22 about a \$300,000 cash bond, then I would imagine the people who  
23 are going to put this money up, it's a little harder to pay  
24 them back if he decides he wants to leave. But these are  
25 serious charges, and the government is not seeking detention.

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1 We are not taking an unreasonable position.

2 We are just asking that a bond that's appropriate to  
3 the seriousness of the charges and the seriousness of his  
4 criminal background is set.

5 MR. BURKE: His criminal background, he has no priors.  
6 He is supposedly an associate of the Gambino --

7 THE COURT: No, no. Genovese he said.

8 MS. DANIEL: Genovese.

9 MR. BURKE: It depends on what paper you read, Judge.

10 THE COURT: It's what the government told me just now.  
11 I just want to correct it, because it could be both. But if  
12 you are saying it's Gambino, and he is saying it's Genovese --

13 MS. DANIEL: No, I'm not. I want to apologize.

14 THE COURT: -- I want to clarify what you said.

15 MS. DANIEL: I want to apologize.

16 Nonetheless, he has no prior convictions.

17 MR. BURLINGAME: The government is taking that out of  
18 the words of the witnesses found on tape. We are not  
19 stretching here.

20 MS. DANIEL: He's in his fifties. He has no prior  
21 convictions. This is hardly someone who has led a life of  
22 crime.

23 If you read the allegations, I know he is in an  
24 indictment with some very serious -- this indictment is with  
25 people who committed murders, people who are facing gambling

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1 charges. The fact that it's one indictment is sort of  
2 meaningless. We have to look at what the defendant is charged  
3 with.

4 THE COURT: I'm looking at the ten counts he is  
5 charged with. I'm not looking at what anyone else is charged  
6 with.

7 That's why at the outset I see that he is not charged  
8 in the racketeering conspiracy count, count one, but he is  
9 charged in ten counts, which accuse him of extortion,  
10 conspiracy, check forgeries, mail fraud conspiracy, mail fraud,  
11 embezzlement, et cetera.

12 So I understand what he is charged with. I came here  
13 prepared, you know, with that in my hand, that information in  
14 hand. So I'm only dealing with him. So understand that I'm  
15 only dealing with him.

16 MS. DANIEL: Yes, your Honor.

17 One other thing, if I could just mention about his  
18 detention. He has been in there for six days. Judge Matsumoto  
19 ordered that he receive his medication. He has not received  
20 his medication for the six days there.

21 As your Honor is probably aware, that's not that  
22 unusual, despite --

23 THE COURT: What kind of medication does he take?

24 MS. DANIEL: He takes a medication for a psychiatric  
25 problem.



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1 THE DEFENDANT: No, ADD.

2 THE COURT: No. You have to talk through your lawyer.

3 MS. DANIEL: No. I'm --

4 THE DEFENDANT: I'm sorry.

5 THE COURT: You did that at the other hearing. Never  
6 say anything to the Court unless your lawyer says you can.  
7 That's why you have two lawyers here. So consult with them  
8 first.

9 MS. DANIEL: In any event, he has not received the  
10 medication despite the order. He has been in the hole for six  
11 days, because apparently there were so many defendants arrested  
12 at one time, apparently that is the reason. It's not  
13 behavioral.

14 He has not received his medication for that time  
15 despite the Court's order. And I think the Court needs to  
16 consider the conditions of his confinement since he has been  
17 detained, which have been dreadful.

18 THE COURT: He has children?

19 MS. DANIEL: He has four children. Two grown  
20 children, I believe 19 and 22, and he has two young children,  
21 six and ten, who he is presently living with.

22 THE COURT: Which ones?

23 MS. DANIEL: This wife, even though they are getting  
24 divorced, they are in the same home until they get divorced.

25 THE COURT: And the grown children, what do they do?

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1 Are they in school, or are they working?

2 MS. DANIEL: He said that his 19-year-old daughter is  
3 in school, and his 22-year-old son is a construction worker.  
4 And I might note, obviously, it's an enormous hardship for the  
5 two young children, who he is fully involved with.

6 THE COURT: I understand. Now, tell me the  
7 relationship he has with these proposed suretors. Explain to  
8 me what the relationship is.

9 The question of whether he will appear isn't somehow,  
10 some way tied to whether it's important to him to have this  
11 relationship. If it's with his -- if the relationship is with  
12 someone who is close to him, like a loving spouse, as opposed  
13 to an estranged spouse, for the sake of discussion, then that's  
14 one thing.

15 If the relationship is with someone with whom he has  
16 tangential ties, then the likelihood that he would be concerned  
17 about leaving that person high and dry are somewhat different.

18 MS. DANIEL: I agree with that, your Honor. These are  
19 longstanding friends. I don't have the name of the third  
20 person, and obviously --

21 THE COURT: Who is the first person?

22 MS. DANIEL: Her name is Valerie English. She is a  
23 United States citizen. She is a guidance counselor with the  
24 Kearny, New Jersey school district. She is the longstanding  
25 girlfriend of a longstanding friend of Mr. Calvo's.

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1 THE COURT: Who is that longstanding friend?

2 MS. DANIEL: I'm sorry. What was that?

3 THE COURT: Who is the longstanding friend?

4 MS. DANIEL: Anthony Iacono.

5 I'm sorry. Ms. English makes \$85,000 a year. She has  
6 no priors, and she lives in Lyndhurst, New Jersey.

7 The second individual is Gregory J. Ianone. I have  
8 spoken to him several times. He is also a longstanding friend  
9 of Mr. Calvo's. He is a United States citizen with no priors.  
10 He is a salesman for the linen company Unitex. He lives in  
11 Ridgewood, New Jersey, and he makes \$180,000 a year, and he has  
12 been there for 26 years.

13 THE COURT: Does he own his own home?

14 MS. DANIEL: I spoke to Mr. Ianone. He did not offer  
15 anything. I mean, he said he might be able to come up with  
16 some cash.

17 THE COURT: Well, if it's a good friend of the  
18 defendant's, does the defendant know whether he lives in a  
19 house or an apartment or in a tent?

20 MS. DANIEL: He does live in a house, but he has not  
21 offered that to us.

22 THE COURT: Is he married?

23 MS. DANIEL: No, he is not married.

24 As for the third person, I don't know the name of the  
25 third person yet, unless it's Mr. Anthony -- or he will get

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1 another longstanding friend. Unfortunately, this defendant is  
2 getting divorced, so.

3 MR. BURLINGAME: So, Judge, what we have is the  
4 girlfriend of a friend, a guy who is a longstanding friend of  
5 the defendant's but is unwilling to put his house up, and  
6 someone whose name we don't know.

7 Again, the government is not asking for permanent  
8 detention. We are asking for a reasonable bail package, and I  
9 would also ask if the Court is inclined to approval of  
10 something based on the suretors, based on a proposed set of  
11 suretors, that pretrial service does a full work-up on all  
12 these suretors to check into their histories and if any ties to  
13 organized crime, given the defendant's background.

14 THE COURT: Do you have anything else you want to say?

15 MS. DANIEL: No, your Honor. Just to reiterate,  
16 because someone who doesn't want to put up their home because  
17 it doesn't have a lot of equity because it's going to be  
18 encumbered for three years. If we need to come up with more  
19 cash, we will come up with more. I don't think it's fair to  
20 say that they are not willing to sign up a house.

21 MR. BURLINGAME: That's the whole point, somebody is  
22 willing to put their life on the line.

23 MS. DANIEL: What if someone wants to sell the house?

24 THE COURT: Then they come back to the Court. It  
25 happens all the time. We want to sell the house, we are

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1 substituting some other property. It happens every day all  
2 over America, where a suretor provides the property as security  
3 and then they want to sell the house, they want to put a new  
4 mortgage on the house, they would rather put up cash than the  
5 house, they want more flexibility.

6 These things happen, and certainly if that were to  
7 take place in this situation, the Court would consider a  
8 substitution. That's really what it's all about.

9 MS. DANIEL: There is no magic to just --

10 THE COURT: I think the amount is too low. Let me  
11 just tell you this. This is a defendant who is charged with  
12 very serious crimes, and I can't minimize the significance of  
13 these charges. Whether or not the defendant is guilty of them,  
14 you know, that's a question for another day.

15 I think the \$300,000 bond, cover on the bond, is a  
16 reasonable amount, but I think that at least \$100,000 of it is  
17 going to have to be provided in some form of security, such as  
18 cash or equity on property. And because otherwise, the bond  
19 has no significance in a situation like this, where \$30,000 in  
20 cash from people who have -- it seems to me at this point,  
21 based on what you have told me -- have a thin relationship with  
22 this particular defendant, is simply inadequate to assure that  
23 the defendant will not flee.

24 I think the government is not unreasonable in  
25 requesting a more significant undertaking on the part of the

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1 defense in order to have the defendant released.

2 Here I note for the record that you have someone who  
3 is making \$85,000 a year as a guidance counselor. How much is  
4 she putting up?

5 MS. DANIEL: She was going to put up the cash.

6 THE COURT: All 30,000?

7 MS. DANIEL: Yes.

8 THE COURT: Well --

9 MS. DANIEL: We will attempt to get together \$100,000  
10 cash.

11 THE COURT: I think that's unreasonable. It's not  
12 sufficient, and I wouldn't want to see her in any event, and  
13 I'm going to want to see her --

14 MS. DANIEL: Oh, absolutely.

15 THE COURT: -- to explain to her what the risks are  
16 inherent in what she is doing, if \$30,000 is her entire  
17 savings, to put that up under these circumstances.

18 I have a responsibility to the suretor as well,  
19 frankly, to make sure that this person is not taking an  
20 unreasonable risk. And if she is putting up the whole amount  
21 and Mr. Ianone, who makes \$180,000 a year and owns a house, is  
22 putting up zip, nothing, zero, then I have some real questions  
23 about whether he is real or imaginary in terms of his  
24 willingness to take a risk here.

25 It's not a big risk to put up nothing and just sign

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1 your name and hope that the government doesn't come after you  
2 if the defendant absconds. So it's just not sufficient.  
3 \$100,000 in property would be sufficient on the \$300,000 face  
4 of the bond, and then you can come back with your package and I  
5 will review it.

6 Don't give it to a magistrate judge.

7 MR. BURLINGAME: Could we request that we have a  
8 pretrial services work-up on the suretors in advance?

9 THE COURT: Of course. Give pretrial the names and  
10 all the information as to these individuals.

11 It may be possible for the defendant to find others  
12 who can help out, too. It's not necessary for people to put up  
13 large sums of money, if you have more people.

14 So these are -- this is a 52-year-old person who has  
15 lived his entire life in the New York area. Unless he has been  
16 hiding under a rock for 50 years, he must know other people  
17 with whom he has the type of relationship where they would be  
18 willing to help him out.

19 But that's something that you have to work out with  
20 your client.

21 MS. DANIEL: So if we can get \$100,000 cash and three  
22 suretors --

23 THE COURT: That's right.

24 MS. DANIEL: -- we'll do that.

25 THE COURT: As to Ms. English, I'm not taking any more

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1 than the \$30,000 from her. In other words, you have to find  
2 other people such as Ms. Ianone (sic) or some other people who  
3 have more resources because I don't want the U.S. Government  
4 going after Ms. English's pension in order to pay off the  
5 \$300,000 debt, if the defendant were to abscond.

6 MS. DANIEL: Well, I think that money that she has may  
7 also be joint money with her boyfriend, Anthony.

8 THE COURT: Who is Anthony?

9 MR. BURKE: Iacono.

10 THE COURT: Oh, yes, Anthony. Then he is a suretor,  
11 too. Put him on the bond, if it's not her money.

12 MS. DANIEL: Jointly, jointly.

13 THE COURT: You said that she would be the suretor.  
14 If it's joint money, they both have got to be suretors and they  
15 both have got to be vetted by pretrial.

16 MS. DANIEL: Certainly.

17 MR. BURLINGAME: Right.

18 THE COURT: Anything else?

19 MR. BURLINGAME: No, Judge.

20 THE COURT: Thank you. Have a nice day.

21 MR. BURLINGAME: Thank you, Judge.

22 THE COURT: Call me when you are ready to -- you want  
23 to be relieved?

24 MS. DANIEL: I assume, unless he needs help.

25 MR. BURKE: I need help.



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1 MS. DANIEL: May I stay on for today?

2 THE COURT: Stay on for today.

3 MS. DANIEL: I will assume at the end of today I am  
4 relieved.

5 THE COURT: Just send me a letter requesting to be  
6 relieved, and I will relieve you on the record at that time,  
7 once you are done.

8 MS. DANIEL: So maybe I will send you a letter  
9 tonight.

10 THE COURT: Tonight or tomorrow is fine.

11 And you put in your notice of appearance, sir?

12 MR. BURKE: I just talked about it. I will do it by  
13 mail tonight or e-mail.

14 THE COURT: Please do so, so we are covered.

15 MS. DANIEL: Do I need to appear again? No, just  
16 write you a letter?

17 THE COURT: Just write me a letter.

18 MS. DANIEL: And I will stay with him as long as he  
19 needs to today.

20 THE COURT: All right, Mr. Burke. All right. Have a  
21 nice day.

22 MR. BURKE: Thank you, Judge.

23 (End of proceeding.)  
24  
25